

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: 2217.05  
COMPLAINT INVESTIGATOR: Brian Simkins  
DATE OF COMPLAINT: February 15, 2005  
DATE OF REPORT: March 15, 2005  
REQUEST FOR RECONSIDERATION: no  
DATE OF CLOSURE: April 25, 2005

**COMPLAINT ISSUES:**

Whether the Jay School Corporation violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically failing to provide transportation.

**FINDINGS OF FACT:**

1. The Student has been identified as other health impaired (OHI) and determined eligible for special education and related services.
2. The Student's initial case conference committee (CCC) was held on February 1, 2005. The Student's IEP dated February 1, 2005, includes a statement from the Student's primary care physician to "consider a shorter [bus] ride." The CCC agreed to shorten the Student's bus commute to school. The Student had been riding the bus for over an hour to get to school in the mornings. The IEP also includes a page entitled "Case Conference Committee Assessment For Transportation Services." At the top of the page is a requested start date for transportation services of February 16, 2005. Written directly above the date is "ASAP".
3. The Complainant alleges that the CCC verbally agreed that the transportation services start date would be "one week". The Complainant and parent understood this to mean February 8, 2005. The School acknowledges that, with regard to making the arrangements for the shortened bus ride, transportation services were ready to be implemented the week of February 7, 2005. However, the School maintains that verbal arrangements for transportation were made after the CCC meeting through the Transportation Coordinator pending information from the Student's primary care physician. The School states that it needed to clarify who was the Student's primary physician (due to the Student's severe and terminal health condition, many doctors have been involved) and to determine what physical and medical restrictions applied to the Student that would impact the Student's school day, including the bus ride. The discussion notes from the CCC Report do not indicate that more medical information would need to be gathered before transportation arrangements could be made. Documentation submitted by the School indicates that the School knew well in advance of the Student's CCC meeting held on February 1, 2005, who the Student's primary physician was and had, through the efforts of the school nurse, put together an extensive medical and crisis plan based on information related to the Student's health condition prior to the Student being eligible for special education.

4. It is undisputed that the Student's transportation arrangements related to a shortened bus ride were in place by February 17, 2005. The School has submitted documentation indicating that the Student was able to commute to school on a shortened bus route on Monday, February 21, 2005.

#### **CONCLUSIONS:**

1. Findings of Fact #2 through #4 indicate that the School failed to implement the Student's IEP with respect to shortening the Student's bus ride to school by the time this complaint was filed. The Student's IEP dated February 1, 2005, ambiguously indicates that the Student's transportation needs would be in place either "ASAP" or by February 16, 2005. The Complainant states that the verbal agreement was to have transportation in place by February 8, and the School acknowledges that the shortened bus route could have been implemented by February 7. However, another week plus two days passed before everything was in place. The School states that clarification from the Student's primary care physician was needed. Documentation shows that the School already had a significant amount of information regarding the Student's health and knew whom the Student's primary care physician was. Therefore, a violation of 511 IAC 7-27-7(a) is found. Finding of Fact #4 indicates that there is no dispute that the Student is able to commute to school on a shortened bus route and that the School has submitted documentation confirming this. Therefore, no further corrective action is required.

**The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.**